

Remarks/Arguments:

Claims 30-38 were pending in this application. By entry of this amendment, Applicants have cancelled claims 30-38 from this application without prejudice or disclaimer of the subject matter thereof. By this same amendment, Applicants have submitted claims 39-47 for examination. Newly added claims 39-47 have been presented to more clearly recite the subject matter Applicants' regard as their invention.

Rejections:

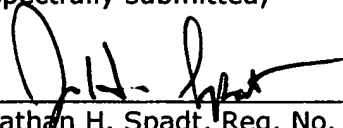
Previous claims 30-38 were rejected by the Office Action of October 5, 2004 for failure to comply with 35 U.S.C. § 112, second paragraph. Claims 30-38 were further rejected under the judicially-created doctrine of obviousness-type double patenting as unpatentable over claims 1-9 of U.S. Patent No. 6,667,273. Claims 30-38 were also rejected by under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al.

Fully responsive to the Office Action, Applicants respectfully submit that newly presented claims 39-47 comport with the requirements of 35 U.S.C. § 112. Applicants further respectfully submit the newly presented claims 39-47 obviate the obviousness-type double patenting rejection as well as the 103(a) rejection based upon Nakamura.

In particular, Applicants' independent claim 30 has been amended and presented in claim 39 to more clearly recite that the claimed composition "is adapted to be rendered active only after exposure to said high moisture environment." This claim structure indicating deferred activity is patterned after claim language held patentably distinct by the Court of Customs and Patent Appeals decision in *In re Land and Rogers*, 368 F.2d 866, 882, 151 U.S.P.Q. 621, 635-636 (1966) ("adapted to be rendered diffusible in said liquid composition only after at least substantial development of the next outermost photosensitive layer has occurred" is a functional limitation imparting a patentable distinction).

Applicants respectfully submit that the newly submitted claims together with the above remarks place this application in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,



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